

HOUSE BILL 163

By Butler

AN ACT to amend Tennessee Code Annotated, Title 36,  
Chapter 1; Title 37, Chapter 5 and Title 68,  
Chapter 11, relative to children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-102(1)(A)(i), is amended by  
deleting subdivision (1)(A)(i) and substituting:

(i)

(a) If the child is four (4) years of age or more, for a period of four (4) consecutive months immediately preceding the filing of a proceeding, pleading, petition, or amended petition to terminate the parental rights of the parent or parents or the guardian or guardians of the child who is the subject of the petition for termination of parental rights or adoption, the parent or parents or the guardian or guardians either have failed to visit or have failed to support or have failed to make reasonable payments toward the support of the child;

(b) If the child is less than four (4) years of age, for a period of three (3) consecutive months immediately preceding the filing of a proceeding, pleading, petition, or amended petition to terminate the parental rights of the parent or parents or the guardian or guardians of the child who is the subject of the petition for termination of parental rights or adoption, the parent or parents or the guardian or guardians either have failed to visit or have failed to support or have failed to make reasonable payments toward the support of the child;

SECTION 2. Tennessee Code Annotated, Section 36-1-102(1)(D), is amended by deleting "for a period of four (4) consecutive months" and substituting "for the applicable time period" and by deleting "four-month" and substituting "time".

SECTION 3. Tennessee Code Annotated, Section 36-1-102(1)(E), is amended by deleting "for a period of four (4) consecutive months" and substituting "for the applicable time period" and by deleting "four-month" and substituting "time".

SECTION 4. Tennessee Code Annotated, Section 36-1-102(1)(A)(iv), is amended by deleting "four (4) consecutive months immediately preceding the filing of the action" and substituting "four (4) consecutive months immediately preceding the filing of the action if the child is four (4) years of age or more or three (3) consecutive months immediately preceding the filing of the action if the child is less than four (4) years of age".

SECTION 5. Tennessee Code Annotated, Section 36-1-102, is amended by deleting subdivision (1)(A)(iv)(a) and substituting:

(a)

(1) Failed to visit, has failed to support, or has failed to make reasonable payments toward the support of the child for four (4) consecutive months immediately preceding the parent's or guardian's incarceration if the child is four (4) years of age or more; or

(2) Failed to visit, has failed to support, or has failed to make reasonable payments toward the support of the child for three (3) consecutive months immediately preceding the parent's or guardian's incarceration if the child is less than four (4) years of age;

SECTION 6. Tennessee Code Annotated, Section 36-1-102, is amended by deleting subdivision (1)(A)(iv)(b) and substituting:

(b)

(1) Failed to visit, has failed to support, or has failed to make reasonable payments toward the support of the child during an aggregation of the first one hundred twenty (120) days of nonincarceration immediately preceding the filing of the action if the child is four (4) years of age or more; or

(2) Failed to visit, has failed to support, or has failed to make reasonable payments toward the support of the child during an aggregation of the first ninety (90) days of nonincarceration immediately preceding the filing of the action if the child is less than four (4) years of age; or

SECTION 7. Tennessee Code Annotated, Section 36-1-119(c), is amended by designating the current language as subdivision (c)(1) and adding the following subdivision (c)(2):

(2) If the child is less than four (4) years of age, has resided in the home of the petitioners for at least three (3) months, and the court has received the final court report concerning the circumstances of the child and the petitioners and is satisfied that the adoption will be in the best interest of the child, then the court shall waive the six-month waiting period after the filing of the adoption petition and enter an order of adoption.

SECTION 8. This act takes effect July 1, 2023, the public welfare requiring it.